

# **EXHIBIT E**

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**From:** Brakebill, Ken W.  
**Sent:** October 11, 2006 5:00 PM  
**To:** Ted Normand (enormand@bsfilp.com)  
**Subject:** Depositions

Ted:

Per our second conversation this afternoon, here's your e-mail from last year confirming that SCO was "fine" with Novell having attorney's eyes only access to the *SCO v. IBM* depositions (as well as the document productions and under-seal briefings). As you know, IBM also authorized production of the depositions and deposition exhibits from the *SCO v. IBM* case (also attached).

Please overnight the depositions to me on CD this week. We will treat those depositions with confidentiality markings as subject to our protective order. SCO has produced just five depositions from the IBM case and Novell is prepared to move to compel, if necessary.

Thank you.  
-Ken



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